NCRA OFFICIALS COMMUNITY
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The National Court Reporters Association's
Official Court Reporters Community of Interest

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OFFICIAL REPORTERS NETWORK IN CHICAGO

By Judith Rizzo, RDR

About 75 official reporters attended the networking reception sponsored by the NCRA's Official Community of Interest and the Illinois Court Reporters Association at Giordano's during the Annual Convention in Chicago. This reception allowed reporters to meet informally to discuss issues relevant to the Community, while getting a real taste of Chicago.

The Official Community would also like to thank the following individuals who contributed to the success of this event: Karen Crisel, Angie Daley, Kim Davis, Melinda Fowler, Carrie Gibson, Heather Gipson, Amy Haught, Tana Hess, Sara Justice Hinde, Teri Hopwood, Patrice Houlf, Judy Lehman, Ed Johnson, Reggie and Mike McBride, Louis and Katherine Nielsen, Rebecca Potts, Lori Rayburn, Mary Beth Rollins, Mary Speed, Mary Ann Stahl, Patti Wecke, Patti White, Bill Weber, Mark MacArtain, Joan Quin, SueLynn Morgan, Valerie and Dave Dawson, Tim Regis, Mary Dilley, Shelly Killian, Terri Boling, Pat Byers, Christiana Stewart, Amy Sweet, Roger Watford, Buffy Topper, Dee Doubet, Linda Parks, Matthew Dreger, Diana Taylor, Josie Johnson, Allison Wise, Jo Farrell, Terry Soerz, Clifford Koppelman, Steve Forleo, Julie Goodwin, Rachel King, Pat Artrip Gels, Laurel Lauda, Dana Pelton, Carol Reed, Gerry Jolet, Susan Peters, Sharon Gaughan, Karen and Jerry VanBremen, Sharon Helbig, Melissa Clegg, Nancy Sivertsen, Maura Baldocchi, Nancy McClarty, Kathy Fulks, Gladys Leonard, Margary Rogers, and Darian Dwyer.

We would also like to thank everyone who attended this networking reception. Many others participated in, or contributed to, the success of this event and we extend our thanks to them also. If you would like to see photos of the event, please visit the
NCRA Wants Your Feedback:

NCRA is considering proposing federal legislation that would protect reporters from any litigation that might arise from the improper use of transcripts. In these times of identity theft and privacy issues, it is imperative that the reporter be held harmless for any improper use of information that you take down in the record. The NCRA Board will consider this issue in November and we need to determine whether this is an important issue to NCRA officials. We would appreciate if you would email us with your responses. Thanks.

OHIO SUPREME COURT RULES IN FAVOR OF REPORTERS

By a margin of 7-0, the Ohio Supreme Court ruled that a statute requiring litigants to pay fees to court reporters to obtain copies of transcripts of trial proceedings takes precedence over the state's public records law. The Ohio Supreme Court ruled that litigants must pay the full fees for official transcripts established by the local courts and may not purchase them from the clerk's office for the nominal amounts charged for ordinary public records.

NCRA had filed an amicus brief asking the court to consider the adverse and unforeseen consequences of a decision in plaintiff's favor on the integrity of the record, the operation of the Ohio judicial system, and the well-being of the Ohio reporting community.

NCRA's brief pointed out that the current compensation system to court reporters spreads the cost of justice across all parties, but the prosecutor's efforts to circumvent the compensation system and obtain copies from the clerk would destroy this neutrality.

In addition, the brief stated that "the practice of disassembling the clerk's official transcript for photocopying reduces the reliability of the record. Court reporters swear an oath as to the accuracy and completeness of the transcript when it is filed. Once it has been disassembled, however, the transcript becomes vulnerable to challenge on the grounds that it is missing pages or original exhibits or that it has been altered.

"Finally, the prosecutor's practice of photocopying the clerk's transcript should be rejected because it is unfair and it is likely to have a detrimental impact on Ohio's official court reporters and, therefore, on the operation of the Ohio judicial system. The system of dual compensation [where the official reporter's base salary is supplemented by transcript income] is designed to ensure full and fair compensation of official court reporters and to allow the state to attract and retain reporters of sufficient skill and competence to serve the needs of the justice system. Moreover, the dual compensation structure protects the state from bearing the full cost of the production of the transcript with the attendant consequences of overtime liability."

The plaintiff in the case, Marion County Prosecutor James Slagle, typically waited until a defendant filed a notice of appeal and paid for an original transcript, then filed a public records request demanding that the clerk of courts provide him, for the clerk's actual copying cost, a copy of the trial transcript filed by the defendant.

Slagle had been told by Marion County Common Pleas Court Judge Richard Rogers to cease this practice. Slagle sought the opinion of the state attorney general's office, which said parties to a case must abide by Ohio statute R.C. 2301.24 and get their transcripts from the reporter at fees set by the court. Slagle then asked the state district court of
appeals to declare transcripts filed with the court to be public records, which would mean that the clerk would be obligated to provide copies to requesters at cost. The appellate court sided with Slagle in concluding that 2302.24 did not keep anyone from getting a copy from the clerk once the transcript was filed with the court. Judge Rogers appealed to the state supreme court, which reversed the appellate court's decision regarding transcripts.

In the same decision, the supreme court upheld the appellate court's ruling that audio tapes of a judicial proceeding qualify as public records, and ordered the clerk to make an at-cost copy of the requested hearing tape available to Slagle. Although this decision is based on the interplay of Ohio statutes, it is an important victory for the official reporter community and its logic hopefully will have wide application to help preserve and protect the transcript fee income to which reporters are entitled.

**DRAFT REPORT RELEASED EVALUATING COURT REPORTING SERVICES IN CALIFORNIA**

On September 27, 2004, the Reporting of the Record Task Force in California released its draft report evaluating court reporting services in California. The Task Force, a 17-member body created in April 2002, is made up of key stakeholders in the courts, including several veteran court reporters.

The Task Force came up with 14 recommendations over the two-year period, ranging from adopting statewide standards for transcripts to word rates to the use of electronic recording to a comprehensive curriculum for court reporters.

It is important that every state leader consider the possibility of a report like this being created in his/her state. Make sure you have your ear to the ground so that you can obtain a seat at the table.

The draft report has been posted to the Web for comment by key stakeholders. It is not yet known when a final report will be issued.

If you would like to see the draft report and examine some of the options being discussed for handling key issues in California, visit this [Web site](http://www.reportingoftherecord.org).

**HI-TECH COURTROOM IS PUT ON DISPLAY**

The 225th Civil District Court in San Antonio recently revealed its newly installed plasma screens. The screens are located at the plaintiff and defense tables, the witness stand, jury box, and one near the gallery. They allow all to see the displays of evidence, videos, and the court reporter's transcripts as proceedings are taking place. This new technology can also be used by attorneys to display live pieces of evidence. Snapshots of the evidence displayed can be printed out for the jury to use during deliberations, the San Antonio Express-News reported on September 16.

**COURTSMART MALFUNCTION MAY AFFECT CONVICTION**

The CourtSmart system was installed in Collier County, Florida almost a year ago and is also being used in Lee, Charlotte, and Hendry Counties. It's designed to make a video
and audio record of criminal trials. But because of a glitch, the CourtSmart system failed to properly record a Collier County trial. Now the convicted criminal may get a new trial.

CourtSmart is a digital recording system that takes the place of court reporters in the courtroom. It provides an audio and video record of criminal court trials. CourtSmart is supposed to record every word attorneys, judges, and even jurors speak.

"I would say on the whole it's working very well," said Ken Kellum, Deputy Court Administrator.

But at least one criminal court trial in Collier County was not recorded by CourtSmart. The portable units, used while a hard-wire system was installed, didn't work.

"The machine was pausing every three seconds to look for a connection to a computer network-- and when it did that, it would cause instantaneous glitch in the recording," said Kellum.

The skips happened during the trial of 64-year-old Raul Trevino who was charged with driving under the influence. During an appeal, the judge and attorneys discovered there is no audible record of the proceeding.

Lee County's chief assistant state attorney says the case was a waste of taxpayer money.

"It's not an efficient use of our resources. We feel like we'd like to do it right the first time and we stress to our people to do it without error and such," said Randall McGruther, Chief Assistant State Attorney.

An appeals court hasn't made a ruling yet, but it is likely Trevino will get a new trial.

DEAF RESIDENT WINS FIGHT WITH COURT

Stephen Gregory will finally get a transcript of his day in court.

For eight years the Pitman, N.J. resident, who is deaf, has been fighting the state's Administrative Office of the Courts to provide him with a written version of court proceedings.

Gregory, who uses a computer-aided realtime translation system to follow words spoken in the court, requested in 1996 that the state provide him with a written printout of the system's translation, which is typically scrolled on a computer monitor.

Gregory sued the state three years later over the records issue in April 1999 after the state denied his requests.

"It was mind-boggling to me that the state of New Jersey would take that kind of position," said Richard Schall, a Moorestown-based attorney who represented Gregory. In a settlement finalized on June 30, shortly before the case was set to go to trial in federal court, the state agreed to provide the printouts to Gregory whenever he appears in Superior Court, the Appellate Division, or the state's Supreme Court, Schall said.

The state also agreed to pick up the $75,000 legal tab that Gregory racked up fighting for the state to accommodate his disability.

"I would hate to think that this is how our government is spending our tax dollars," Schall said.

While the state provides audio and videotapes of court proceedings for $10 a tape, Gregory had requested the printouts as a comparable service to fit his disability. Schall said Gregory sought the written printout of the computer transcript - a realtime display of the court reporter's transcription -- in order to better follow the court proceedings.
Although the state did not agree to provide the printouts to all deaf litigants, Schall said he thought Gregory's legal settlement could help other disabled citizens in the future.

NCRA’S REPORTER EDUCATION COMMISSION FOCUSES ON STRENGTHENING REPORTER EDUCATION

NCRA clearly understands that the success of this association and this profession is closely tied to the success of our schools and training programs. That's why we want to do everything we can to ensure that our schools receive the assistance and the support they need and that we have a strong, modern educational system in place.

In its November 2003 final report, the Future Group concluded that the traditional model of recruitment and education "has never experienced a significant success rate. Continuing modest numbers for admission, graduation, and successful transition to the profession suggest the need to fast-track new approaches and, perhaps, radical changes. NCRA needs to take a fresh, objective look at the traditional educational model, as well as alternative approaches. This does not necessarily suggest abandoning the current educational structure, but rather to consider other educational models and to build on and complement what is currently working in reporting programs."

Both NCRA’s Strategic Planning and Annual Planning Committees spent a great deal of time discussing the Future Group's recommendations in February 2004. From these discussions came the Reporter Education Commission, which has been charged with two primary responsibilities:

1. Strengthening the reporter education system, and
2. Strengthening our schools.

To that end, the Commission will be reviewing information and making recommendations on how to:

- Improve student recruitment efforts;
- Enhance the quality and quantity of students entering and completing their education;
- Improve theories;
- Build on the strengths of current educational models and eliminate the weaknesses;
- Implement distance learning in the most effective manner;
- Elevate the academic standards of schools, regardless of specialties taught;
- Increase apprenticeships and other programs to ease the transition from school to work;
- Increase our understanding as to why students hit plateaus;
- Strengthen NCRA's certification and testing program; and
- Improve the NCRA approval process.

And to accomplish this task, the Commission will be functioning in an open and transparent manner and providing a variety of opportunities for all interested stakeholders to participate in the process. By taking into account as many different viewpoints and opinions as possible and capturing all relevant information, from both within and outside the profession, the Commission will be able to identify how we can build on and complement the strengths of our current educational system.

If you'd like to participate in the process and offer your thoughts on how to strengthen reporter education, send us an e-mail.
NCRA’s Official Reporters Community Mission Statement

NCRA’s Official Reporters Community is committed to serving the various needs of official reporters by providing up-to-date news and information on technology and the reporting profession, developing quality continuing education, and facilitating networking opportunities that support and promote official court reporters.

NCRA Mission Statement

NCRA is committed to being the leader in advancing the profession of those who capture and integrate the spoken word into a comprehensive and accurate information base for the benefit of the public and private sectors.

NCRA accomplishes this through ethical standards, testing and certification, educational opportunities, communications, government relations, research and analysis, and fiscal responsibility.

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